

Attachment 4



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY AVIATION CENTER AND FORT RUCKER
463 NOVOSEL STREET
FORT RUCKER ALABAMA 36362-5106

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

VICKY JONES
Plaintiff

v.
JAMES FUNK, an individual;
UNITED STATES OF AMERICA
Defendants.

DEFENDANT'S EXHIBIT
CASE NO. <u>3:05-CV-420-F</u>
EXHIBIT NO. <u>4</u>

CIVIL ACTION NO. 03:05-CV-420

UNSWORN DECLARATION OF LIEUTENANT CHERISSE JOHNSON

In accordance with 28 U.S.C. 1746, I make the following unsworn declaration pertaining to non-receipt of a claim for damages within the two-year statute of limitations from plaintiff's attorney:

1. I was the Tort Claims Investigator for the Fort Rucker Claims Office from February 2004 through August 2004, and in this capacity received all Standard Form 95s (SF95) Claim for Damage Injury of Death, opened the claim file, logged data on the computer, reviewed and acknowledged receipt of the SF95, and investigated the claim.

2. On May 6, 2004, the Fort Rucker Claims Office received from Ms. Pamela G. Patterson, Fort Benning Claims Office, a potential claim file containing correspondence pertaining to a potential insurance subrogation claim by USAA insurance company involving Vicky Jones.


3. The potential claim file did not contain an SF95 from USAA, Vicky Jones, or her attorney.

4. If I had received the SF95 claim form that plaintiff's counsel contends he filed at Fort Benning prior to September 1, 2004, I would have date stamped the potential claim on the date of receipt, place my initials on the form, logged the potential claim data on the computer, typed a letter informing plaintiff's attorney of the deficiency, and enclosed the unperfected SF95 form with the letter to him for completion of block 12d. Further, I would have retained a copy of the unperfected SF95 and correspondence and placed it in the potential claim file.

5. The Fort Rucker Claims Office has no record of receiving an SF95 from plaintiff's attorney prior to September 1, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 15th day of September 2005.


LIEUTENANT CHERISSE JOHNSON
Fort Rucker Tort Claims Investigator